

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

**UNITED STATES OF AMERICA,  
Plaintiff,**

**v.**

**(1) FRANCISCO DANIEL COBOS,  
Defendant.**

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**EP-20-CR-01957-DB**

**ORDER**

On this day, the Court held a hearing to consider Defendant’s “Motion for Court to Declare the Defendant Indigent for Purposes of Paying the Appeal Fee as Well as Obtaining the Court Reporter’s Record,” (“Motion”)<sup>1</sup> filed on November 4, 2022. (ECF. No. 197). The matter was referred by Senior United States District Judge David Briones on November 7, 2022, for a determination of indigency for the purposes of waiving the cost of the filing of Defendant’s Notice of Appeal and to receive a free transcript of all proceedings pertinent to Defendant’s appeal. (ECF No. 198).

To proceed without prepaying costs or fees on appeal, a prisoner must be economically eligible and take his appeal in good faith. Fed. R. App. P. 24(a); *Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983).

During the hearing, counsel explained to the Court that he had been retained to represent the Defendant since September 15, 2020. (ECF No. 18). Further, counsel explained that he had been retained “to handle all post-conviction matters, including filing an appeal, with regards to the [Defendant’s] conviction and sentence on Count II.” (ECF No. 197, p. 1). Counsel indicated that Defendant’s financial circumstances had changed since counsel was initially retained and that Defendant is currently “unable to pay the costs normally associated with an appeal in federal

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<sup>1</sup> The Court will construe Defendant’s Motion as a request to proceed *in forma pauperis*.

court.” (*Id.* at 2). Finally, counsel informed the Court that he is willing to continue representing Defendant for the purposes of this appeal at a discounted rate. (*Id.* at 3). The Government responded that they had no objection to the request and was leaving it to the Court’s discretion.

Having considered the Motion and counsels’ arguments at the hearing, the Court is satisfied that Defendant is financially unable to pay the filing fee for appeal and that Defendant is financially unable to pay for the transcript needed for appeal. Accordingly, the Court finds that Defendant is economically eligible to proceed *in forma pauperis* on appeal.

It is **THEREFORE ORDERED** that Defendant’s Motion (ECF. No. 197) is **GRANTED** and that he may proceed *in forma pauperis* on appeal without paying the filing fee, and without paying the cost of ordering the transcript for appeal.

The Court **FURTHER DIRECTS** the District Clerk’s office to provide Defendant a copy of the transcript needed for appeal.

**SIGNED AND ENTERED** on November 9, 2022.

A handwritten signature in black ink, appearing to read 'ATB', is written over a horizontal line.

**ANNE T. BERTON**  
**UNITED STATES MAGISTRATE JUDGE**